IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WA.No. 2153 of 2006-A

AGAINST THE JUDGEMENT IN OP.21067/2002
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APPELLANT: PETITIONER

J.KESAVA PILLAI, (EX.GS NO.19005 DME),
RESIDING AT KALARIVADAKKATHIL HOUSE,
MUKUNDAPURAM P.O., KOLLAM DISTRICT.

BY ADV. SRI.R.RAJASEKHARAN PILLAI

RESPONDENTS: RESPONDENTS
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1. UNION OF INDIA REPRESENTED BY
THE SECRETARY, MINISTRY OF SURFACE TRANSPORT
NEW DELHI.

2. THE DIRECTOR GENERAL,
BORDER ROADS, KASHMIR HOUSE, DHQ P.O.,
NEW DELHI-110 011.

3. THE COMMANDER `D' PL 5 FORMATION
CUTTING COY, (GREF) C/O.99 APO.

4. THE CHIEF ENGINEER,
HQ 29, BRTF, C/O.99 APO.

5. THE COMMANDER GREF CENTRE,
DIGHI CAMP PUNAI-15.

BY ADV. SRI.P.MURALEEDHARAN, ADDL.C.G.S.C.
SRI.NOUSHAD THOTTATHIL, ADDL.CGSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR & K.R. UDAYABHANU, JJ.

W.A.2153 OF 2006

DATED THIS THE 29TH DAY OF NOVEMBER 2006

JUDGMENT

Abdul Gafoor,J.

The appellant/writ petitioner was retrenched in the year 1973 on account of reduction in establishment. He waited until 1997, when he attained the age of superannuation, for re-employment. He did not respond to the notification for recruitment issued in the meanwhile. His case is that he was not informed of any vacancies. Whatever be that the claim urged in the writ petition which resulted in the impugned judgment was to quash Ext.P2 and to grant him pension in terms of Rule 29 and 49(2)(b) of the Central Civil Service (Pension) Rules. One can get pension only if he had, at least 20 years of service, to his credit. It is an admitted case that when he was retrenched in 1973, he had only 12 years of service. Rule 29 of the C.C.S.(Pension) Rules enables a bonus of five years. But that was in the case of permanent employees. If it is made applicable to the petitioner/appellant, who was a quasi permanent employee, even then allowing that bonus he can claim only 17 years of service which will not enough to claim pension. Rule 49(2)(b) of the C.C.S.(Pension) Rules relied on for

pension is only with respect to superannuated employees with less than 20 years service to become eligible for adhoc pension. The appellant was not superannuated and hence he will not come under Rule 49(2)(b). It is too late now after having waited for about 24 years until he attained the age of superannuation to contend that he was not informed of any vacancies. He had reasonable time to approach the appropriate authority or court for appropriate relief. Therefore, the writ appeal is without any merit and the same is dismissed.

K.A.ABDUL GAFOOR
JUDGE

K.R.UDAYABHANU,
JUDGE

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